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MAY 18 2009

US Serial No. 11/534338
Page 1 of 24

Attorney Docket: 102790-194 / 30062 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Andreas GOEKE
Serial No.: 10/534338
Filed: 10.May.2005
Examiner: Michael F. PEPITONE
Art Group: 1796
Title: IMPROVEMENTS IN OR RELATED TO ORGANIC COMPOUNDS

PER TELEFAX: (571) 273-8300

18.May.2009

MAIL STOP APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL PURSUANT TO 37 CFR § 41.37

SIR:

This is an appeal from the final rejection of claims 1 and 3-8 of the present application.

A Notice of Appeal was filed on 05.May.2009.

US Serial No. 11/534338
Page 2 of 24

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MAY 18 2009

(1) REAL PARTY IN INTEREST

The real party in interest is Givaudan SA by virtue of an assignment recorded in the United States Patent and Trademark Office on June 3, 2005, at Reel 016300, Frame 0957.

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MAY 18 2009

US Serial No. 11/534338
Page 3 of 24

(2) RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or that will directly affect or be directly affected by or have a bearing upon, the Board's decision in the pending appeal.

US Serial No. 11/534338
Page 4 of 24

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(3) **STATUS OF CLAIMS**

Claims 1-14 are pending.

Claims 1 and 3-8 are on appeal.

Claims 2 and 9-14 are objected to.

Claims 1 and 3-8 are rejected.

US Serial No. 11/534338
Page 5 of 24

(4) **STATUS OF AMENDMENTS**

There are no outstanding amendments.

US Serial No. 11/534338
Page 6 of 24

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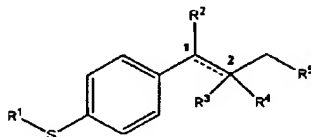
MAY 18 2009

(5) SUMMARY OF THE CLAIMED SUBJECT MATTER

The present application contains five independent claims, viz., claims 1, 4, 6, 7 and 8.

Claim 3 depends directly from claim 1; and claim 5 depends directly from claim 4.

Independent claim 1 relates to a flavour or fragrance compound (see published application's paragraphs 0024, 0025, 0036, 0037) according to formula I having spicy and anisic odour notes (see 0001, 0006), wherein the bond between C₁ and C₂ is a single bond (see 0008), R¹ is methyl, ethyl, *i*-propyl, *n*-propyl (see 0009). R² and R³ are independently hydrogen or methyl (see 0010), or R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached (see 0011). R⁴ and R⁵ are independently hydrogen or methyl (see 0012), or R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached (see 0013), *n* is an integer of 1, 2, 3, or 4 (see 0014), and wherein at least one cycloalkane ring is present (see 0015). Formula I is represented by



(see the Abstract, 0007, 0040).

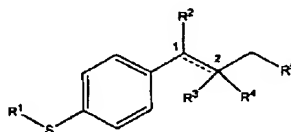
Independent claim 4 relates to a fragrance application comprising a flavour or fragrance compound as defined in claim 1 (see 0036, 0039).

Independent claim 6 relates to a flavour application comprising a flavour or fragrance compound according to claim 1 (see 0037, 0038).

US Serial No. 11/534338
Page 7 of 24

Independent claim 7 relates a method of flavouring or fragrancng of a product by adding one or more flavour or fragrance compounds according to claim 1 to said product (see the Abstract, 0001, 0037).

Independent claim 8 relates to a compound of formula I, wherein the bond between C₁ and C₂ is a single bond (see 0008), R¹ is methyl, ethyl, *i*-propyl, *n*-propyl (see 0009). R² and R³ are independently hydrogen or methyl (see 0010), or R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached (see 0011). R⁴ and R⁵ are independently hydrogen or methyl (see 0012), or R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached (see 0013), n is an integer of 1, 2, 3, or 4 (see 0014), and wherein at least one cycloalkane ring is present (see 0015). Formula I is represented by



(see the Abstract, 0007, 0040 and 0041)

US Serial No. 11/534338
Page 8 of 24

(6) GROUND OF REJECTION TO BE REVIEWED ON APPEAL

There are two grounds of rejection to be reviewed on appeal:

- A. Whether claims 1, 3, 4, 6 and 7 are unpatentable under 35 USC 103(a) over U.S. Patent No. 5,387,718 to Köhler et al. (hereinafter "Köhler") and whether claims 8 is unpatentable under 35 USC 103(a) over Köhler; and
- B. Whether claim 5 is unpatentable under 35 USC 103(a) over Köhler in view of EP 1264547 to Grab et al. (hereinafter "Grab").

US Serial No. 11/534338
Page 9 of 24

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MAY 18 2009

(7) **ARGUMENT**

As will be detailed below, Köhler does not teach or suggest all of the features recited in flavour or fragrance compound claim 1, fragrance application claims 4 and 6, and method of flavouring or fragrancng claim 7; Köhler does not teach or suggest all of the features recited in compound claim 8; and Köhler and Grab do not teach or suggest all of the features recited in fragrance application claim 5

**A. Claims 1, 3, 4, 6 and 7 and claim 8 Would Not Have Been Obvious over
Köhler**

Claims 1, 3, 4, 6 and 7 were rejected under 35 USC 103(c) as allegedly being unpatentable over Köhler; and claim 8 was rejected under 35 USC 103(c) as allegedly being unpatentable over Köhler.

Appellant respectfully traverses these rejections of the foregoing claims in view of Köhler.

As set forth in the March 2, 2009 Amendment After Final Rejection, the determination of obviousness under §103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. See also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000) A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art

US Serial No. 11/534338
Page 10 of 24

references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in *cases* where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

In the September 12, 2008 final Office Action (hereinafter "the final Office Action") and with respect to independent claim 1, the Examiner acknowledges that Köhler does not positively teach all the claimed effects or physical properties (see page 3 of the final Office Action). However, the Examiner alleges that all of the claimed reagents are taught by Köhler and that the claimed effects and physical properties (i.e., spicy and anisic odor notes) would implicitly be achieved by a composition with all the claimed ingredients (see *Id.*). The Examiner commits error by determining that Köhler teaches or suggests all of the claimed reagents of the present invention.

Moreover, with respect to independent claims 1 and 8, the Examiner alleges that Köhler teaches compounds wherein $R_3 = \text{alkyl having a fused } C_{6-7} \text{ cycloalkyl ring}$ $R_1=R_2=R_4=R_5=H$ (see page 2 of the final Office Action). Based on this allegation, Appellant assumes that the

US Serial No. 11/534338

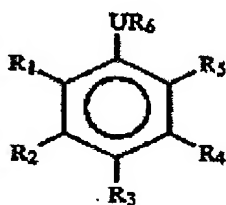
Page 11 of 24

Examiner is referring to the second definition of R_1 - R_5 (see col. 1, lines 35-38 of Köhler) which teaches:

R_1 - R_5 may be bridged by suitable bifunctional substituents, such as, e.g., $-(CH_2)_x-$, or $-(CH_2)_x-$
 $-Z-(CH_2)_y-$ (where Z represents a hetero atom;
 $x=0-7$, and $y=0-7$), or preferably unsaturated
 substituents such as are characteristic of anellated
 ring systems, e.g. (but not limited to) naphthyl, 40
 phenanthryl, anthracenyl, quinolyl, isoquinolyl, or
 indolyl.

The Examiner commits additional error by misinterpreting the teachings of Köhler.

Appellant respectfully disagrees with the Examiner's interpretation of the Köhler because Köhler teaches alkylphenyl alkyl thioethers having the general formula:



wherein R_1 - R_5 may each independently represent a C1-6 alkyl group or an aryl group or a functional group (see column 1, lines 29-34 of Köhler); further R_1 - R_5 may be bridged by suitable bifunctional substituents, such as, e.g., $-(CH_2)_x-$, or $-(CH_2)_x-Z-(CH_2)_y-$ (where Z represents a hetero atom; $x=0-7$, and $y=0-7$) (see col. 1, lines 35-38 of Köhler).

Köhler further teaches that “adjacent pairs of R_1 , R_2 , R_3 , R_4 , and R_5 may together form a fused ring group” (see col. 3, lines 6-11 of Köhler).

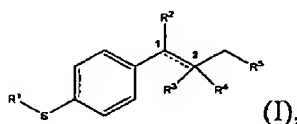
Nowhere does Köhler does not teach or suggest compounds wherein R_3 alone is alkyl having a fused C_{0-7} cycloalkyl ring as alleged by the Examiner. Instead, Köhler fails to teach or

US Serial No. 11/534338

Page 12 of 24

suggest any cycloalkyl whatsoever. Thus, the Examiner errs by misinterpreting Köhler and mistakenly combining features of Köhler which are clearly not combinable to allegedly achieve the presently claimed flavour or fragrance compound.

Therefore, Köhler does not teach or suggest a flavour or fragrance compound according to formula I (as required by claim 1) and a compound of formula I (as recited in claim 8)



wherein the bond between C₁ and C₂ is a single bond, R¹ is methyl, ethyl, *i*-propyl, *n*-propyl; R² and R³ are independently hydrogen or methyl, or R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached, R⁴ and R⁵ are independently hydrogen or methyl, or R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached, n is an integer of 1, 2, 3, or 4, and wherein at least one cycloalkane ring is present as required by independent claims 1 and 8, respectively.

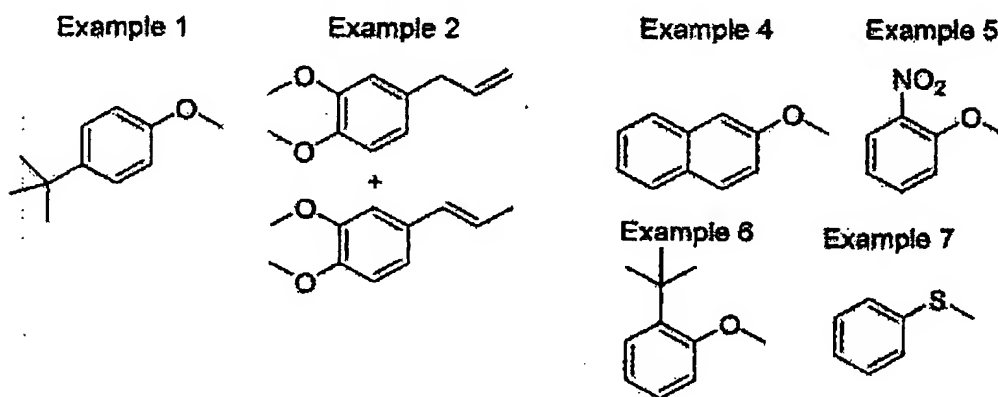
Contrary to the allegations by the Patent Office on page 3 of the Office Action, Köhler does not teach or suggest all the reagents recited in the present claims. Additionally, Appellant submits that if such teachings of all the reagents of the present invention are present in Köhler, such teachings or disclosure of all the reagents should have been pointed out and specifically identified by the Examiner. Such disclosure regarding the claimed reagents as alleged by the Examiner does not exist in Köhler as affirmed by the Examiner's failure to identify such disclosure(s) within Köhler. The Examiner further errs by determining that if it is Appellant's

US Serial No. 11/534338
Page 13 of 24

position that this is not the case, it is the Examiner's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects with only the claimed ingredients. Appellant respectfully traverses these allegations by the Examiner.

By carefully defining the claimed class of compounds of formula (I) as recited in claims 1 and 8 in combination with Examples 1-6 of the present application, Appellant has sufficiently illustrated, to one of ordinary skill in the art, how to obtain the claimed properties and effects, namely by using a compound of formula (I) as defined in claims 1 and 8.

Additionally, as discussed in March 2, 2009 Amendment After Final Rejection (hereinafter "the AAFR"), all the examples (see Examples 1, 2 and 4-7 of Köhler) given in Köhler are compounds far away from the class of compounds recited in claims 1 and 8. The compound of Example 1 is p-tert-butylphenyl methyl ether, the compounds of Example 2 are eugenol methyl ether and isoeugenol methyl ether, the compound of Example 4 is β -naphthyl methyl ether, the compound of Example 5 is 2-Nitroanisole, the compound of Example 6 is o-tert-butylphenyl ethyl ether, and the compound of Example 7 is thioanisole. The structures for the compounds of each example are as follows:



US Serial No. 11/534338
Page 14 of 24

It is clear that these compounds of the Examples 1, 2 and 4-7 of Köhler and that all compounds taught in accordance with Köhler are not structurally the same as or similar to the class of compounds of the present claims and thus do not teach or suggest the class of compounds specifically defined in present claims 1 and 8.

In the March 20, 2009 Advisory Action, the Examiner acknowledges that Examples 1, 2 and 4-7 of Köhler do not specifically depict the structures of claims 1 and 8 and further alleges that general formula of Köhler discloses the compounds as required by claims 1 and 8 (see page 3 of the Advisory Action). Specifically, the Examiner sets forth that: (1) if one of ordinary skill in the art is able to “at once envisage” the specific compound within the generic chemical formula, the compound is anticipated; (2) one of ordinary skill in the art must be able to draw the structural formula or write the name of each of the compounds included in the generic formula before any of the compounds can be “at once envisaged;” and (3) the reference must be considered for all that it discloses and must not be limited to preferred embodiments (see Id.). Appellant disagrees with these allegations by the Patent Office.

The general formula of Köhler does not disclose the compounds recited in claims 1 and 8 as alleged by the Examiner. As discussed above, Köhler fails to teach or suggest compounds wherein R₃ alone is alkyl having a fused C₀₋₇ cycloalkyl ring as alleged by the Examiner and Köhler also fails to teach or suggest compounds having any cycloalkyl whatsoever. The Examiner errs in determining that the general formula of Köhler discloses the compounds recited in claims 1 and 8 because the Examiner’s determination is based on a misinterpretation of Köhler and an improper combination of features of Köhler which are clearly not combinable. Thus,

US Serial No. 11/534338
Page 15 of 24

Köhler does not teach or suggest a flavour or fragrance compound according to formula I as required by claim 1 and a compound of formula I as recited in claim 8.

Appellant submits that, based on all that is disclosed in Köhler, the compounds recited in present claims 1 and 8 can not be “at once envisaged” by one of ordinary skill in the art as alleged by the Examiner because the general formula of Köhler does not disclose the compounds of claims 1 and 8. As a result, one of ordinary skill in the art would not be able to draw the structural formula or write the name of the compounds of claims 1 and 8 because such compounds are not included within the general formula of Köhler. Thus, the compounds specifically defined in claims 1 and 8 are not anticipated by Köhler as alleged by the Examiner because one of ordinary skill in the art would not have been able to “at once envisage” the compounds of claims 1 and 8 based on the general formula of Köhler.

As acknowledged by the Examiner, Köhler discloses alkylphenyl alkyl thioether compounds of the general formula (see Id.). The Examiner alleges that: (1) products of identical chemical composition can not have mutually exclusive properties; (2) a chemical composition and its properties are inseparable; and (3) if the prior art teaches the identical chemical structure, the properties applicant discloses and/or claims are necessary present (see Id.) Appellant respectfully disagrees with these allegations by the Examiner.

As set forth above, the alkylphenyl alkyl thioethers of Köhler do not have identical chemical compositions as the compounds recited in claims 1 and 8 as alleged by the Examiner. Köhler fails to teach or suggest compounds wherein R_3 alone is alkyl having a fused C_{0-7} cycloalkyl ring as alleged by the Examiner and Köhler also fails to teach or suggest any cycloalkyl whatsoever. The Examiner's determination that the general formula of Köhler

US Serial No. 11/534338
Page 16 of 24

discloses the compounds recited in claims 1 and 8 is based on the Examiner's erroneous misinterpretation of Köhler and improper combination of features of Köhler which are clearly not combinable to allegedly achieve the presently claimed flavour or fragrance compound. Thus, Köhler fails to teach or suggest a compound having an identical chemical composition as a flavour or fragrance compound according to formula I as required by claim 1 and a compound of formula I as recited in claim 8. Therefore, the disclosed and/or claimed properties of the presently claimed compounds are also not present in the compounds according to Köhler as alleged by the Examiner.

In view of the foregoing remarks, Appellant disagrees with the Examiner's position, traverses the Examiner's rejection and asserts that the Examiner has not met the proper burden of proof to present and maintain the rejection; such are simply unsupported by the facts for the reasons noted above. Rather, Appellant contends that the Examiner's grounds of rejection is at, at best, a hindsight reconstruction, using Appellant's claims as a template to reconstruct the invention by picking and choosing amongst isolated disclosures from the present application and Köhler. This is impermissible under the law. Accordingly, reconsideration of the propriety of the rejections of claims 1, 3, 4 and 6-8 and their withdrawal is respectfully requested.

B. Claim 5 Would Not Have Been Obvious over Köhler in view of Grab

Claim 5 was rejected under 35 USC 103(c) as allegedly being unpatentable over Köhler in view of Grab.

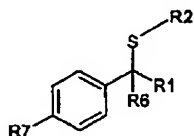
Appellant respectfully traverses these rejections of the foregoing claims in view of Köhler and Grab.

US Serial No. 11/534338
Page 17 of 24

The Examiner acknowledges that Köhler fails to teach a household product containing alkylphenyl alkyl thioethers (see the paragraph bridging pages 5 and 6 of the final Office Action). The Examiner commits error by introducing Grab as allegedly remedying the deficiencies of Köhler because Grab allegedly teaches flavor and fragrance compositions {household products} containing 1-mercapto-1-phenylalkanes which have a natural spicy character (see Id.). The Examiner alleges that Köhler and Grab are analogous art because they are concerned with a similar technical difficulty, namely the preparation of spicy fragrances composed of aryl thioethers (see Id.). The Examiner also alleges that it would have been obvious to have combined household products containing spicy fragrances composed of aryl thioethers, as taught by Grab, in the invention of Köhler and would have been motivated to do so since Grab suggests that such aryl thioethers provide household products with a clear natural spicy character without any attendant dominant roasted note or accompanying pungent and putrid notes (see Id.).

Grab fails to remedy the deficiencies of Köhler as described above with respect to independent claim 1, from which claim 5 indirectly depends. Specifically, Grab fails to teach or suggest that the specific features of formula (I) wherein at least one cycloalkane ring is present as required by present claim 1. Instead, Grab, at best, teaches or suggests:

[0006] Accordingly, the invention provides in one of its aspects a flavour or fragrance composition comprising a compound of formula (I)

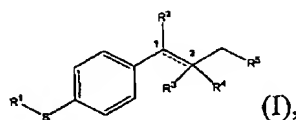


wherein R1 represents an alkyl group having from 1 to 4 carbon atoms which may be branched or unbranched; R2 represents, hydrogen; acyl, in particular selected from the group $-(R_3)C=O$ wherein R3 represents a branched or unbranched alkyl

US Serial No. 11/534338
Page 18 of 24

group having from 1 to 4 carbon atoms; or an alkoxyalkyl group, in particular selected from the group -CH(R₄)-OR₅, wherein R₄ represents hydrogen or a branched or unbranched alkyl group having from 1 to 4 carbon atoms; R₅ represents a branched or unbranched alkyl group having from 1 to 4 carbon atoms; R₆ represents hydrogen or methyl; and R₇ represents hydrogen, methyl or alkoxy having 1 to 4 carbon atoms, e.g. methoxy.
[0007] R₁, R₃, R₄ and R₅ independently are particularly represented by methyl, ethyl, n-, or iso-propyl, and n-, or iso-butyl. R₂ is particularly represented by hydrogen, formyl, acetyl, propionyl, butyryl, isobutyryl, 1'-ethoxyethyl, 1-methoxyethyl, or 2'(2'-methoxypropyl). (see paragraphs [0006] and [0007] of Grab).

Thus, neither Köhler nor Grab, taken singly or in combination, teaches or suggests a flavour or fragrance compound according to formula I



wherein the bond between C₁ and C₂ is a single bond, R¹ is methyl, ethyl, *i*-propyl, *n*-propyl; R² and R³ are independently hydrogen or methyl, or R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached, R⁴ and R⁵ are independently hydrogen or methyl, or R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached, n is an integer of 1, 2, 3, or 4, and **wherein at least one cycloalkane ring is present** as required by independent claim 1.

Because the features of independent claim 1, from which claim 5 indirectly depends, are not taught or suggested by Köhler and Grab, taken singly or in combination, these references would not have rendered the features of claim 5 obvious to one of ordinary skill in the art.

In view of the foregoing, reconsideration and withdrawal of this rejection are respectfully requested.

US Serial No. 11/534338
Page 19 of 24

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(8) CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejection is in error and that claims 1-14 are in condition for allowance. For all of the above reasons, Appellant respectfully requests this Honorable Board to reverse the rejection of claims 1 and 3-8.

CONDITIONAL AUTHORIZATION FOR FEES

The Commissioner is authorized to charge the required fee to Deposit Account No. 14-1263. Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

Andrew N. Parfomak
Andrew N. Parfomak, Esq.
Reg.No. 32,431
Norris, McLaughlin & Marcus, PC
875 Third Avenue, 18th Floor
New York, NY 10022

18 May 2009
Date:

Tel: 212 808-0700

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US Serial No. 11/534338
Page 20 of 24

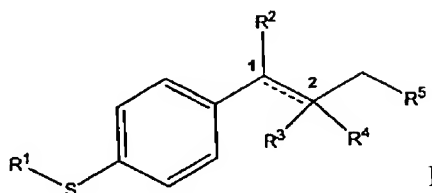
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(9) CLAIMS APPENDIX

The claims on appeal read as follows:

1. A flavour or fragrance compound according to formula I having spicy and anisic odour notes



wherein

the bond between C₁ and C₂ is a single bond;

R¹ is methyl, ethyl, *i*-propyl, *n*-propyl;

R² and R³ are independently hydrogen or methyl; or

R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached;

R⁴ and R⁵ are independently hydrogen or methyl; or

R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached;

n is an integer of 1, 2, 3, or 4; and

wherein at least one cycloalkane ring is present.

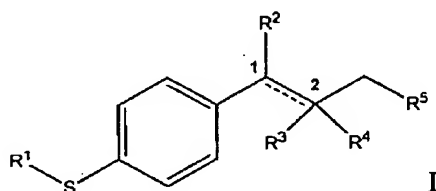
2. A flavour or fragrance compound according to claim 1 selected from the group consisting of:

1-cyclopropylmethyl-4-methylsulfanyl-benzene,
1-cyclobutylmethyl-4-methylsulfanyl-benzene,
1-cyclopentylmethyl-4-methylsulfanyl-benzene, and

US Serial No. 11/534338
Page 21 of 24

1-cyclohexylmethyl-4-methylsulfanyl-benzene.

3. A flavour or fragrance compound according to claim 1 in a fragrance or flavour composition.
4. A fragrance application comprising a flavour or fragrance compound as defined in claim 1.
5. A fragrance application according to claim 4 wherein the fragrance application is a perfume, household product, laundry product, body care product or cosmetic product.
6. A flavour application comprising a flavour or fragrance compound according to claim 1.
7. A method of flavouring or fragranting of a product by adding one or more flavour or fragrance compounds according to claim 1 to said product.
8. A compound of formula I



wherein

the bond between C₁ and C₂ is a single bond;

R¹ is methyl, ethyl, *i*-propyl, *n*-propyl;

R² and R³ are independently hydrogen or methyl; or

R² and R³ taken together is a divalent radical (CH₂)_n, C(CH₃)₂, or CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached;

R⁴ and R⁵ are independently hydrogen or methyl; or

R⁴ and R⁵ taken together is a divalent radical (CH₂)_n, (CH₂)_{n-1}CH(CH₃)₂, or (CH₂)_{n-1}CH(CH₃) which forms a cycloalkane ring together with the carbon atoms to which it is attached;

US Serial No. 11/534338
Page 22 of 24

n is an integer of 1, 2, 3, or 4; and
wherein at least one cycloalkane ring is present.

9. A compound according to claim 8 selected from the group consisting of:
 - 1-cyclopropylmethyl-4-methylsulfanyl-benzene,
 - 1-cyclobutylmethyl-4-methylsulfanyl-benzene,
 - 1-cyclopentylmethyl-4-methylsulfanyl-benzene, and
 - 1-cyclohexylmethyl-4-methylsulfanyl-benzene.
10. A flavour or fragrance compound according to claim 2 in a fragrance or flavour composition.
11. A fragrance application comprising a compound as defined in claim 2.
12. A fragrance application according to claim 11 wherein the fragrance application is a perfume, household product, laundry product, body care product or cosmetic product.
13. A flavour application comprising a compound according to claim 2.
14. A method of flavouring or fragrancng of a product by adding one or more compounds according to claim 2 to said product.

US Serial No. 11/534338
Page 23 of 24

(10) EVIDENCE APPENDIX

None.

US Serial No. 11/534338
Page 24 of 24

(11) RELATED PROCEEDINGS APPENDIX

None.

MAY 18 2009

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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
102790-194(30062)

In Re Application Of: Andreas GOEKE

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|---------------------|--------------|----------------|------------------|
| 10/534,338 | 10.May.2005 | Micahel F. PEPITONE | 32431 | 1796 | 2948 |

Invention: Improvements in or Related to Organic Compounds

COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:

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Dated: 18 May 2009

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